

REMARKS

This is a timely response submitted within the first three months after the issuance of a non-final Office Action dated June 3, 2005. Claims 1-15 are pending in this application.

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,963,766 to Stewart ("Stewart").

Further, claims 1-5 have also been rejected under 35 U.S.C. §112 ¶2 as being indefinite. Claim 3 has been objected to for containing an improperly recited Markush group. And, claims 6-15 have been objected to under 37 C.F.R. §1.75(c) as being in improper multiple-dependent form.

Stewart is directed to a collapsible tube closure. As concerns the §102(b) rejection of claim 1 over *Stewart*, the Examiner has acknowledged that *Stewart* does not teach a distribution orifice emerging via a flexible membrane fitted to the window via a slit, but because claim 1 recited alternative language, the claim did not require this recitation and thus was anticipated by *Stewart*. In response, Applicant has amended claim 1 by removing the alternative language, together with recitation element "i" directed to the distribution orifice being located externally to the capsule at a distance not equal to zero. Thus, the indefiniteness rejection of claim 1 based on alternative language has been obviated, and claim 1 is now allowable over the cited art.

Claims 2-15 have also been amended to address the various formal rejections and objections noted above.

Further new claims 16-19, ultimately dependent upon claim 1, have been added. Additionally, new independent claim 20, and new claims 21-23 dependent thereon, have been added.

Claim 20 distinguishes over Stewart for at least the reason that Stewart is devoid of any teaching of a capsule comprising a sealing device that interrupts communication between the distribution orifice and the interior of the receptacle when the assembly is in the closed position.

In conjunction with the claim amendments and additions submitted herein, the specification and abstract have also been amended for clarity and consistency. No new matter has been added.

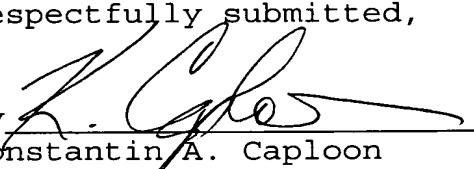
In sum, claims 1-23 are all believed to be in condition for allowance. Such action is therefore earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 23, 2005

Respectfully submitted,

By 
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